

Notice of Allowability

Application No.

09/671,250

Examiner

Thomas M. Ho

Applicant(s)

LEE, MICHAEL C.G.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/05.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/28/00
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Reasons for Allowance

1. The appeal brief of 7/27/05 has been received and entered.
2. Claims 1-21 are pending.
3. Claims 1-21 are allowable.

Applicant has argued the following (page 6, 2nd paragraph of the appeal brief):

Appellant also addresses an alternative reading of Baum. This reading was argued in Appellant's responses filed July 2, 2004 and March 24, 2005. While the Patent Office has not specifically endorsed Appellant's interpretation of the Patent Office's argument, Appellant believes this alternative reading is the real basis of the Patent Office's rejection in light of the citations provided by the Patent Office in analysis of claim 1. Specifically, it appears the Patent Office is interpreting the control processor 344 of Baum as equivalent to Appellant's application proxy. However, this interpretation does not establish anticipation because the control processor 344 of Baum does not have the claimed functionality. Specifically, claim 1 recites "applying the Internet protocol packets associated with the signaling channel and the control channel to the application proxy...." Important to note in this language is that the language does not say "applying some of the packets to the application proxy", rather the language clearly indicates that the Internet protocol packets associated with the signaling channel and the control channel are applied to the application proxy. Not some, but all. In contrast, Baum's control processing 344 drops out of the call and does not process the call take down or

Art Unit: 2134

other signaling channel or control channel packets, as recited in the claim. To this extent, Baum's control processor 344 is not an application proxy.

The Applicant has correctly identified the Examiner's basis of the rejection interpreting the control processor as the application proxy.

Applicant has argued for a stricter interpretation of the independent claims.

Claim 1 recites:

A firewall for Internet protocol packets carrying data for a real-time Internet application, each of said Internet Protocol packets being associated with any one of a signaling channel a control channel, or a bearer channel of said real-time Internet application, the firewall comprising:

An application proxy and a packet filter,

The firewall applying the Internet protocol packets associated with the signaling channel and the control channel to the application proxy, and the firewall applying the Internet Protocol packets associated with the bearer channel to the packet filter.

With respect to the packets filtered by the Application proxy, the claim has recited the following:

Art Unit: 2134

“The firewall applying the Internet protocol packets associated with the signaling channel and the control channel to the application proxy”

However, the applicant has advocated that “not some, but all” packets must be processed in order to meet the application proxy of the Applicant.

In contrast, Baum’s control processing 344 drops out of the call and does not process the call take down or other signaling channel or control channel packets, as recited in the claim. To this extent, Baum’s control processor 344 is not an application proxy.

Applicant has argued the prior art Baum fails to meet Applicant’s application proxy as claimed because it does not process all the signaling channel or control channel packets. Thus even if a prior art discloses an application proxy that processes a “substantial amount” or a “functionally significant” number of signaling channel or control channel packets, unless all of the signaling and control channel packets are processed by the Application proxy, the application proxy as disclosed by the claim is not read upon.

The Examiner’s search has uncovered Baum et al. as the closest art of record. No additional art of motivation to meet Applicant’s interpretation can be found to meet the new interpretation of the claimed invention.

Art Unit: 2134

Accordingly, in light of the stricter interpretation advocated by the Applicant, claim 1 is held to be allowable.

Furthermore, independent claims 12 and 17 recite language substantially similar regarding the application proxy.

Claim 1 discloses:

“The firewall applying the Internet protocol packets associated with the signaling channel and the control channel to the application proxy”

As presented above, the Applicant has advocated the interpretation that “the firewall applying the signaling and control channel packets to the application proxy” to mean that all signaling and control channel packets be applied to the application proxy.

The language recited by claim 1 is substantially similar to the language of claims 12 and 17.

Claim 12 discloses:

“Applying the Internet protocol packets associated with the signaling channel and the control channel to an application proxy.”

Claim 17 discloses:

Art Unit: 2134

“Applying the Internet protocol packets associated with the signaling channel and the control channel to an application proxy.”

For this reason, the Examiner has held independent claims 12 and 17 to also be allowable. All other claims depend from claims 1, 12, or 17 and are allowable for these reasons.

Conclusion

4. The following art not relied upon is made of record:

- Taylor et al. US patent 6728885 discloses a system and method for network access control using adaptive proxies.
- Nessett et al. US patent 5968176 discloses a multilayer firewall system
- Shwed US patent 5606668 discloses a specialized packet filter employing a system of policy rules.
- Coley et al. US patent 5826014 discloses a firewall employing a variety of proxy agents.

5. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Application/Control Number: 09/671,250

Page 7

Art Unit: 2134

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

October 17th, 2005

A handwritten signature in black ink, appearing to read 'Greg Morse', is written over the printed name and title.

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100